# IN THE UNITED STATES DISTRCT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

MITCH CARLTON,

v.

Plaintiff,

Docket No. 3:12-cv-1128

SGN ACQUISITION COMPANY, LLC d/b/a/SGN NUTRITION,

Defendant.

## STIPULATION OF DISMISSAL WITH PREJUDICE

As evidenced by the signatures of counsel below, the parties have agreed to a compromise with regard to the above-captioned matter and further agree that such matter should be dismissed from this Court with prejudice as to all parties. Plaintiff Mitch Carlton's claims under section 215(a)(3) of the Fair Labor Standards Act of 1938 were solely for retaliation, and therefore, the parties further agree that Court approval of the compromise reached is not required.

IT IS ACCORDINGLY ORDERED that the above-captioned matter shall be dismissed with prejudice.

Entered this 23rd day of July 2013.

ALETA A. TRAUGER

#### APPROVED FOR ENTRY BY:

#### GILBERT RUSSELL McWHERTER PLC

## s/ Michael L. Russell

Clinton H. Scott, TN Bar No. 23008

101 North Highland

Jackson, Tennessee 38301 Telephone: 731-664-1340 Facsimile: 731-664-1540 cscott@gilbertfirm.com

Michael L. Russell, TN Bar No. 20268 1616 Westgate Circle, Suite 228 Brentwood, Tennessee 37027 Telephone: 615-467-6372 mrussell@gilbertfirm.com

ATTORNEYS FOR PLAINTIFF

## OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

## s/ William S. Rutchow

William S. Rutchow, TN Bar No. 017183 Charlotte S. Wolfe, TN Bar No. 027765 SunTrust Plaza 401 Commerce Street, Suite 1200 Nashville, TN 37219-2446 Telephone: 615.254.1900

Facsimile: 615.254.1908 bill.rutchow@odnss.com charlotte.wolfe@odnss.com

ATTORNEYS FOR DEFENDANT